

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

PATRICK K. MCDONNELL,
and CABBAGETECH, CORP. d/b/a COIN
DROP MARKETS,

Defendants.

Case No. 18-CV-0361 (JBW)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiff Commodity Futures Trading Commission (“Commission”) respectfully will move this Court, pursuant to Section 6c of the Commodity Exchange Act (the “Act”), 7 U.S.C. § 13a-1 (2012), Federal Rules of Civil Procedure 52 and 55, and the Court’s July 12, 2018 Scheduling Order (ECF No. 127), at 225 Cadman Plaza East, Brooklyn New York, on August 23, 2018 at 10:30 a.m., for entry of a final judgment and order of permanent injunction, restitution, civil monetary penalties, and other ancillary equitable relief against Defendants Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets, including a default judgment as to CabbageTech, Corp. d/b/a Coin Drop Markets.

In support of its motion, the Commission respectfully refers the Court to the Commission’s Post-Trial Brief in Support of Proposed Findings of Facts, Conclusions of Law, and Final Judgment Against Defendants Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets; the Commission’s Proposed Findings of Fact and Conclusions of Law; the July 27, 2018 Declaration of Christopher Giglio and the separately bound Exhibits thereto; the

July 24, 2018 Declaration of Daniel A. Driscoll; and the Proposed Final Judgment and Order of Permanent Injunction, Restitution, Civil Monetary Penalties, and Ancillary Equitable Relief Against Defendants Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets.

PLEASE TAKE FURTHER NOTICE that the Commission also respectfully will move this Court, pursuant to Section 6c of the Commodity Exchange Act (the “Act”), 7 U.S.C. § 13a-1 (2012), and Federal Rule of Civil Procedure 56, at 225 Cadman Plaza East, Brooklyn New York, on August 23, 2018 at 10:30 a.m., in the alternative, for entry of summary judgment and order of permanent injunction, restitution, civil monetary penalties, and other ancillary equitable relief against Defendants Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets.

In support of its motion in the alternative, the Commission respectfully refers the Court to the materials in support of its motion for entry of a final judgment and order of permanent injunction, restitution, civil monetary penalties, and other ancillary equitable relief against Defendants Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets, such as the Commission’s Proposed Findings of Fact, the numbered paragraphs of which constitute a short and concise statement of undisputed material facts, each followed by citation to admissible evidence, pursuant to Local Civil Rule 56.1(a).

PLEASE TAKE FURTHER NOTICE that pursuant to the schedule set by the Court, any opposition to these motions, and papers in support of such opposition, shall be served on or before August 9, 2018, and Plaintiff’s reply is to be served on or before August 22, 2018, and oral argument will be heard on August 23, 2018. (ECF No. 127.)

Dated: July 27, 2018

**COMMODITY FUTURES TRADING
COMMISSION**

By: /s/ Alejandra de Urioste
Alejandra de Urioste (adeurioste@cftc.gov)
Gates S. Hurand (ghurand@cftc.gov)
David Oakland (doakland@cftc.gov)
K. Brent Tomer (ktomer@cftc.gov)
Manal M. Sultan (msultan@cftc.gov)
COMMODITY FUTURES TRADING
COMMISSION
DIVISION OF ENFORCEMENT
140 Broadway, 19th Floor
New York, NY 10005
Phone: (646) 746-9700
Fax: (646) 746-9940

*Attorneys for Plaintiff Commodity Futures
Trading Commission*